THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.25317 OF 2005

-

ORAL ORDER:

This writ petition is filed seeking a declaration that the alleged action of the respondents in not refunding the proportionate licence fee to the petitioner for the period of cancellation of his IL-24 licence from 16.4.1998 to 25.6.1998, is arbitrary and illegal.

In the counter-affidavit filed on behalf of the respondents, apart from denying the contentions raised on merits, it is pointed that such a relief cannot be granted in exercise of the jurisdiction under Article 226 of the Constitution of India.

A Division Bench decision of this Court in W.P.No.15904 of 1994 dated 17.3.2005, having considered an identical issue, held that no mandamus can be issued directing the State Government to grant remission.

Following the said decision of the Division Bench in W.P.No.15904 of 1994 dated 17.3.2005, this writ petition is dismissed. However, this shall not preclude the petitioner to work out the common law remedy for the relief prayed in this writ petition. No costs.

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(G. ROHINI, J.)

13th June, 2006.

Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.25317 OF 2005

13th June, 2006.

Between:

Smt. M. Malleswari. .. Petitioner.

And

The Commissioner, Prohibition &

Excise, Hyderabad and another. . Respondents.